| <b>`</b>  |   | •  | CF                        |
|---|---|--|---------------------------|
|   | Application No.   | Applicant(s)   |                           |
|   | 09/819,329  | ENOMOTO ET AL.   |                           |
| Notice of Allowability  | Examiner  | Art Unit   |                           |
|   | Jonathan S. Crepeau   | 1746   |                           |
| The MAILING DATE of this communication appear All claims being allowable, PROSECUTION ON THE MERITS IS (herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGOR OF THE OFFICE OF UPON PETRON OF THE OFFICE OFFICE OF THE OFFICE OFFICE OFFICE OFFICE OF THE OFFICE             | OR REMAINS) CLOSED in to<br>or other appropriate commun<br>GHTS. This application is sub-   | his application. If not include<br>ication will be mailed in due o   | ed<br>course. <b>THIS</b> |
| 1. This communication is responsive to <u>amendment of 5/13/04</u>  | <u>1</u> .  |  |                           |
| 2. The allowed claim(s) is/are 10-16,21,23,25,27 and 28.  |   |  |                           |
| 3.   The drawings filed on are accepted by the Examiner   |   |  |                           |
| <ul> <li>4.  Acknowledgment is made of a claim for foreign priority unda)  All b)  Some* c)  None of the:  1.  Certified copies of the priority documents have 2.  Certified copies of the priority documents have 3.  Copies of the certified copies of the priority documents have 3.  Copies of the certified copies of the priority documents have 3.  Copies of the certified copies of the priority documents have 4.  Acknowledgment is made of a claim for foreign priority undates.  The priority documents have 3.  Copies of the priority documents have 3.  Copies of the certified copies of the priority documents have 4.  Certified copies of the</li></ul> | been received. been received in Application numents have been received in this communication to file a ENT of this application.  Ited. Note the attached EXAM is reason(s) why the oath or die be submitted.  On's Patent Drawing Review ( Amendment / Comment or in the eheader according to 37 CFR it of BIOLOGICAL MATER | No In this national stage applicate reply complying with the requirement of the color at the Office action of the 1.121(d).  RIAL must be submitted. Note that the color at the col | uirements<br>OTICE OF     |
| Attachment(s)  1. Notice of References Cited (PTO-892)  2. Notice of Draftperson's Patent Drawing Review (PTO-948)  3. Information Disclosure Statements (PTO-1449 or PTO/SB/08 Paper No./Mail Date  4. Examiner's Comment Regarding Requirement for Deposit of Biological Material   | 6. ☐ Interview Sum<br>Paper No./Ma<br>3), 7. ☐ Examiner's Ar  | rmal Patent Application (PTC<br>nmary (PTO-413),<br>ail Date<br>nendment/Comment<br>atement of Reasons for Allov   | ŕ                         |

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## **DETAILED ACTION**

## Allowable Subject Matter

- 1. Claims 10-16, 21, 23, 25, 27, and 28 are allowed.
- 2. The following is a statement of reasons for the indication of allowable subject matter (these same reasons were set forth in the previous Office action and are reiterated herein):

Independent claims 14 and 28 each recite, among other features, that the stress applied to the elastic body is not less than 980 kPa and not more than a force at which the elastic body maintains elasticity of not less than 95%. JP 11-49217 does not teach or fairly suggest that the pressure applied to the elastic body by the spacer is within this range. Accordingly, the claims are allowable.

## Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Crepeau whose telephone number is (571) 272-1299. The examiner can normally be reached Monday-Friday from 9:30 AM - 6:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski, can be reached at (571) 272-1302. The phone number for the organization where this application or proceeding is assigned is (571) 272-1700. Documents may be faxed to the central fax server at (703) 872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jonathan Crepeau Patent Examiner Art Unit 1746 May 28, 2004